

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

CIVIL NO. 2:01CV19

UNITED STATES *ex rel.*, KAREN  
T. WILSON,

Plaintiffs,

Vs.

ORDER

GRAHAM COUNTY SOIL & WATER  
CONSERVATION DISTRICT;  
GRAHAM COUNTY; CHEROKEE  
COUNTY SOIL & WATER  
CONSERVATION DISTRICT;  
RICHARD GREENE, in his individual  
capacity; WILLIAM TIMPSON, in his  
individual capacity; KEITH ORR and  
GERALD PHILLIPS, in their individual  
and official capacities; RAYMOND  
WILLIAMS, in his official capacity;  
DALE WIGGINS, in his official  
capacity; ALLEN DEHART, in his  
official capacity; LLOYD MILLSAPS,  
in his official capacity; JERRY  
WILLIAMS, in his individual capacity;  
BILLY BROWN, in his individual  
capacity; LYNN CODY, in his official  
capacity; BILL TIPTON, in his  
official capacity; C.B. NEWTON, in  
his official capacity; and EDDIE  
WOOD, in his official capacity,

Defendants.

**THIS MATTER** is before the Court on motions of Defendants Cherokee County Soil & Water Conservation District, Bill Tipton, Eddie Woods, C. B. Newton and William Timpson to dismiss and to strike contained within their answer to Plaintiff's Third Amended Complaint filed August 14, 2006; these Defendants have also filed a brief supporting their motions to dismiss and to strike.

By Order filed August 14, 2006, the undersigned struck and dismissed with prejudice those claims contained in Sections C and D of the Third Amended Complaint. Therefore, the Defendants' motion to strike is now moot and no response to that motion is required.

**IT IS, THEREFORE, ORDERED** that the Defendants' motion to strike is hereby **DENIED** as moot.

Signed: August 15, 2006



Lacy H. Thornburg  
United States District Judge

